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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/035,085

12/28/2001

Yonas D. Seme

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EXAMINER

JACKSON, JAKIEDA R

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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09/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/035,085	SEME, YONAS D.	
	Examiner	Art Unit	
	Jakieda R. Jackson	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-42 and 48-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-42 and 48-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the Office Action mailed April 19 2007, applicant submitted an amendment filed on September 19, 2007, in which the applicant traversed and requested reconsideration.

Response to Arguments

2. Applicant argues that Olivier's transient user's computing device cannot correspond to the recited first device that "send[s]...to the device during the established session an indication of the first translation preference." The transient user's computing device sends a translation preference, but does not receive a language preference. Applicant's arguments are persuasive, but are moot in view of new grounds of rejections.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 37-42 and 48-52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Olivier (USPN 6,480,885) in view of Trudeau (USPN 5,987,401).

Regarding **claims 37 and 48**, Olivier discloses a method and system for translating instant messages exchanged between a first user using a first device and a second user using a second device over a communication network, the first user having a first translation preference and the second user having a second translation preference, the method comprising:

- establishing an instant messaging session between the first device and the second device (instant messaging; column 4, lines 47-63 and column 22, lines 22-31 with column 23, line 46 – column 24, line 65);

- sending by the first device to the second device during the established session an indication of the first translation preference (senders profile data are included in the body of the message; column 13, lines 43-54 and column 17, lines 21-39 with column 23, line 46 – column 24, line 65);

- receiving by the first device from the first user a first message intended for the second device, the first message composed according to the first translation preference (message; column 17, lines 21-39);

- receiving a first message as input composed by the first user in the first preferred language (specifies language of choice; column 17, lines 21-39);

- translating the received first message from the first translation preference to the second translation preference (language preference; column 17, lines 28-39); and

- transmitting the translated message in the second translation preference to the second device as an instant message during the established session via the communication network (column 23, line 46 – column 24, line 65 with column 12, lines

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25-47), but does not specifically teach receiving by the first device from the second device during the established session an indication of the second translation preference, wherein the second translation preference is different from the first translation preference.

Trudeau teaches a technique for language translating of real-time text-based conversation. The user is able to communication in text-based conversations on an international level without language barriers. Each member of the conversation no longer needs to understand the language in which the conversation is held. A user can select his or her own language and converse with the other members of the conversation as though he or she was fluent in the conversation language. The translation is performed in essentially real-time so that the user requiring translation is not hindered (column 3, line 66 – column 4, line 52). Each device knows the other language because if the conference language is Spanish and the user language is English, then for an outgoing message, the appropriate language translator selected would be an English-to Spanish translator. ...(column 10, lines 1-50). The message is translated before sending it to the chat group since the language preference is known by the first and second device (column 11, lines 1-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivier's method and system wherein it receives by the first device from the second device during the established session an indication of the second translation preference, wherein the second translation preference is different from the first translation preference, as taught by Trudeau, to provide on-line

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services such that international, real-time, text-based conversations can be had between two or more users who themselves use different languages to converse (column 1, lines 44-47).

Regarding **claims 38 and 49**, Olivier discloses the method and system further comprising, storing by the first device the received indication of the second translation preference (specifies language of choice; column 17, lines 21-39).

Regarding **claims 39 and 50**, Olivier discloses the method and system wherein the translation preference is specified as a destination language (specifies language of choice; column 17, lines 21-39).

Regarding **claims 40 and 51**, Olivier discloses an instant messaging method and system wherein the translation preference is specified as a locality (location; column 5, lines 54-56 and column 14, lines 29-33).

Regarding **claims 41 and 52**, Olivier discloses the method and system wherein the translation preference is specified as a geographic setting (geography; column 5, lines 54-56 and column 8, lines 8-15 with column 11, lines 58-67 and column 14, lines 29-33 with column 15, lines 29-51).

Regarding **claim 42**, Olivier computer-readable medium instructions for performing the steps recited in claim 37 (computer communication; column 12, lines 25-47 with column 22, line 22 – column 24, line 22).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Aityan (PGPUN 2002/0169592) disclose an open environment for real-time multilingual communication.
- Flanagan et al. (USPN 6,339,754) disclose a system for automated translation of speech.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571-272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ
September 19, 2007



DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER